

641—85.5(135) Notification of patient and review of application.

85.5(1) When an application is received, the patient shall be notified that an application has been submitted, a hearing will be scheduled, and the patient will be notified of the time and place of the hearing. The notification shall inform the patient of the right to be present, to testify orally or in writing, and to designate someone to represent the patient at the hearing. The hearing shall be held no less than 48 hours after the patient receives this notification.

85.5(2) The board chairperson or designee shall preliminarily review the application to ascertain whether additional information may be necessary to assist the board in determining the patient's need for surrogate decision making and in determining whether the patient's best interests will be served by consenting to or refusing medical care on the patient's behalf. The board chairperson or designee may:

a. Request and shall, notwithstanding any other law to the contrary, be entitled to receive from any physician, hospital or health care facility or person licensed to render health care, any information which is relevant to the patient's need for surrogate decision making or for the proposed medical care. Such information may include, among other things: information regarding the patient's preferences regarding medical care; facts regarding the patient's attorney-in-fact, guardian, spouse, adult child, parent, or an adult sibling; facts and professional opinions regarding the patient's inability to consent to or refuse medical care; and facts and professional opinions regarding whether the proposed medical care is in the patient's best interests; the board chairperson or designee shall maintain the confidentiality of records as required by Iowa Code chapters 22, 141, and 228, and 42 Code of Federal Regulations Part 2, as of January 1, 1992, or any other applicable confidentiality law provision;

b. Consult with any other person who might assist in such a determination of the best interests of the patient, including ascertainment of the personal beliefs and values of the patient.